

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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COMMODITIES EXPORT COMPANY,

Plaintiff/Counter-Defendant,

v.

Case No. 09-CV-11060-DT

CITY OF DETROIT, UNITED STATES OF  
AMERICA,

Defendants/Cross-Defendants,

and

DETROIT INTERNATIONAL BRIDGE  
COMPANY,

Defendant/Counter-Plaintiff/Cross-  
Plaintiff/Third Party Plaintiff,

v.

WALTER LUBIENSKI and DEAN AYTES,

Third Party Defendants.

/

**OPINION AND ORDER DENYING AS MOOT COUNTER DEFENDANT  
AND THIRD PARTY DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AS TO  
THE CLAIMS OF THE DIBC**

Before the court is a "Motion for Summary Judgment as to the Claims of the DIBC," filed by Counter Defendant Commodities Export Company and Third Party Defendants Walter Lubienski and Dean Aytes. The motion is opposed by Counter Plaintiff/Third Party Plaintiff Detroit International Bridge Company ("DIBC"). The court has issued an order dismissing without prejudice all state law claims in this case. Thus, the issues raised in this motion are now moot. Accordingly,

IT IS ORDERED that the "Motion for Summary Judgment as to the Claims of the DIBC" [Dkt. # 54] is DENIED AS MOOT.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2010

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, September 30, 2010, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522

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